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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,262	09/24/2001	Stephen Wayne Heinzman	CM2100	6598

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 09/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/937,262

Applicant(s)

HEINZMAN ET AL.

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) 26 and 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-25, 27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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Election/Restriction

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-25, 27 and 29, drawn to tablet, cleaning composition or component, classified in class 510, subclass 446.

Group II, claim(s) 26 and 28, drawn to a pharmaceutical tablet, classified in class 424, subclass 400.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the compressed clay by itself lacks novelty as in US Patent No. 5,716,569 or GB 1,258,051 hence, the combination of (1) cleaning composition or component and compressed clay, and (2) pharmaceutical tablet and compressed clay do not relate to a single inventive concept.

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3. During a telephone conversation with Armina Matthews on August 28, 2003 a provisional election was made **with** traverse to prosecute the invention of Group I, claims 1-25, 27 and 29. Affirmation of this election must be made by applicant in replying to this Office action. Claims 26 and 28 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Specification

5. The abstract of the disclosure is objected to because it need not recite "[t]he present invention relates to. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities:

The copending foreign applications cited below should be updated:

a) page 42, lines 21-22

b) page 54, line 12

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Appropriate correction is required.

Claim Objections

7. Claim 22 is objected to because of the following informalities: “any of” in line 1 should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. Claims 18-25, 27 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 18-25 and 29 are indefinite because the recital of “tablet” lacks support with respect to claim 16. Please note that “tablet” is recited in claim 17, not claim 16.

Claim 27 is indefinite because the recital of “compressed clay granule” lacks support with respect to claim 16.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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10. Claims 16 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 1,258,051.

GB '051 teaches pelletised china clay comprising particles ranging in size from $\frac{1}{4}$ " in diameter down to dust and having a moisture content of 10% which were compacted to form a block (see Example 1, page 5, lines 97-104). GB '051 teaches the limitations of the instant claims. Hence, GB '051 anticipates the claims.

11. Claims 16, 18-21, 23-25 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Berenbold et al. (US Patent No. 5,716,569), hereinafter "Berenbold".

Berenbold teaches a detergent composition comprising 8 grams base detergent, 0.5 g tetraacetyethylenediamine (TAED) granules (B1 or B2) and 1.5g of perborate monohydrate, the B1 TAED granules is prepared by mixing TAED and Laundrosil® DGA (bentonites, preferably smectite clay) in a Lodige mixer, pressed to a cigar-shaped pads on a roller compactor with a pressing force of 40-50 kN and then fed to two-stage grinding, the product having a particle size distribution of 350-1800 μm ; B2 TAED granules is prepared by mixing TAED, Laundrosil® DGA and citric acid as in B1 above (see Example 1, 2 and 7 under cols. 5-6; col. 3, lines 10-17). Berenbold also teaches the use of the detergent composition in a washing machine (see Example 6 under col. 6). Berenbold teaches the limitations of the instant claims. Hence, Berenbold anticipates the claims.

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Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Berenbold as applied to the above claims.

Berenbold teaches the features as described above. In addition Berenbold teaches that the TAED granules comprise additives such as organic carboxylic acids or salts thereof (see col. 3, lines 39-43). The granules can also be employed in combination with a source of hydrogen

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peroxide such as percarbonates (see col. 5, lines 1-5). Berenbold, however, fails to specifically disclose the compacted granules with an effervescence system or water soluble salts.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate carboxylic acid and percarbonates, or salts of carboxylic acids to the compacted granules because the teachings of Berenbold encompass these aspects.

15. Claims 17-21, 23-25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berenbold in view of Fry et al. (US Patent No. 5,360,567).

Berenbold teaches the features as described above. Berenbold, however, fails to disclose the composition in tablet form.

Fry teaches detergent composition in tablet form wherein the tablet form offers several advantages over powdered products in that the tablet does not require measuring and are thus easier to handle and dispense into the washload, and that the tablet is more compact, hence facilitating more economical storage (see col. 1, lines 13-19; col. 6, lines 56-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the composition of Berenbold in tablet form because the tablet form offers several advantages over powdered products in that the tablet does not require measuring and are thus easier to handle and dispense into the washload, and that the tablet is more compact, hence facilitating more economical storage as taught by Fry.

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16. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

August 28, 2003

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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